



Memorandum

TO: NEIGHBORHOOD SERVICES &
EDUCATION COMMITTEE

FROM: Betsy Shotwell
Roxanne Miller

**SUBJECT: REPORT ON KEY LEGISLATIVE
ITEMS**

DATE: May 16, 2011

Approved

Date

5-25-11

RECOMMENDATION

Accept the staff memorandum dated May 16, 2011, concerning pending State legislation in the Neighborhood Services City Service Area.

BACKGROUND

Included in the Neighborhood Services and Education Committee work plan for 2011 is the request for a legislative update to be brought forward to the Committee by the City Manager's Office of Intergovernmental Relations.

ANALYSIS – PENDING STATE LEGISLATION

The 2011-12 State Legislative Session convened in Sacramento on December 6, 2010, and the deadline for bills to be introduced in the State Legislature was February 18, 2011. So far during the first year of this legislative session, a total of 2,567 bills, constitutional amendments and resolutions have been introduced. The Governor has signed 18 bills with no vetoes. May 6 was the last day for policy committees to meet and report fiscal bills to the Appropriations Committee of the Assembly or Senate, which will be followed by a May 27 deadline for all bills to pass to the Assembly or Senate Floor. This year, the Legislature will continue to hear bills and pass them to the Governor by September 9, when the Interim Study Recess will begin. The Legislature will reconvene the second year of the 2011-12 Session on January 4, 2012.

The following is a list of bills introduced in 2011 in the Neighborhood Services City Service Area. All legislation is continually reviewed by IGR and other City departments for new amendments, and significant bills will be brought forward to the Rules Committee and the City Council for consideration and adoption of City positions.

Neighborhood Services: includes legislation relating to animal services, child care, education, libraries, open space, parks and recreation, senior programs.

Animal Services

AB 564 (Smyth) relating to Income Taxes: Municipal Shelter Spay-Neuter Fund.

Allows a taxpayer to designate a specified amount in excess of his or her tax liability be transferred to the Municipal Shelter Spay-Neuter Fund which would be created by this bill. Provides that all money contributed to the fund will be distributed as grants to eligible municipal shelters on a first-come-first-serve basis to provide low-cost or free spay-neuter services. Requires the municipal shelter to file an application to participate in the grant program with the State Department of Food and Agriculture. (Fiscal)

Status: In Assembly Appropriations Committee, to Suspense File. **Amended:** 4/6/11

AB 1117 (Smyth) relating to Animal Abuse: Penalties.

Amends existing law regarding the failure to care for animals and prohibits a defendant from owning or having any contact with animals. Requires a court to issue specified orders regarding ownership and forfeiture. Requires an owner to make certain showings in order for the court to direct release. Relates to animals seized by search warrant. Provides procedures for the forfeiture of animals. Provides for issuance of an order temporarily enjoining ownership or possession and a duration exemption for livestock. (Fiscal)

Status: In Assembly Appropriations Committee, to Suspense File **Amended:** 5/11/11

Child Care

AB 1312 (Smyth) relating to Child Care: Licensure exemption: Public Recreation.

Expands the number of authorized hours that unlicensed public recreation programs can operate their programs for children ages zero to 18 years. Specifies program operation for under 20 hours per week and for a total of 14 weeks or less during a 12-month period. (Fiscal)

Status: In Assembly Human Services. **Amended:** 3/31/11

SB 737 (Walters) relating to Organized Camps.

Amends existing law that permits participating programs or nonprofit organizations in the After School Learning and Safe Neighborhoods Partnership Program to operate for up to 30 hours per week without obtaining a license. Authorizes an increase in hours of operation. Provides that no child can be in the program for more than a specified number of hours. Expands the existing exemption regulating the licensure of day care and family day care centers. (Fiscal)

Status: In Senate Appropriations Committee, to Suspense File. **Amended:** 5/10/11

Libraries

AB 438 (Williams) relating to County Free Libraries: Withdrawal.

Provides that the board of trustees, common council, or other legislative body of a city or board of trustees of a library district may notify the county board of supervisors that it no longer desires to be a part of the county fee library system, unless the board of trustees, common council, or other legislative body of a city or the board of trustees of a library district intends to operate the library or libraries using a private contractor, with voter approval. (Fiscal)

Status: In Assembly Appropriations, to Suspense File.

Amended: 4/4/11

AB 597 (Eng) relating to California Financial Literacy Fund.

Establishes the California Financial Literacy Fund in the State Treasury for the purpose of enabling partnerships with the financial services community, governmental and nongovernmental stakeholders to improve Californians' financial literacy. (Fiscal)

Status: Passed Assembly. In Senate pending assignment to committee.

Amended: N/A

SB 445 (Simitian) relating to Public Records Act: Library Records

Amends the state Public Records Act. Provides that patron use records of any library which is in whole or in part supported by public funds shall remain confidential and not be disclosed.

Provides for an exception. (Non-fiscal)

Status: Passed Senate, in Assembly Governmental Organization Committee. **Amended:** 3/21/11

SB 602 (Yee) relating to Reader Privacy Act.

Enacts the Reader Privacy Act. Prohibits a commercial provider of a book service from disclosing, or being compelled to disclose, any personal information relating to a user of the book service. Requires a court, to make specific findings when considering whether to issue a search warrant or an order in a pending civil or administrative action. Imposes civil penalties on a provider of a book service for knowingly disclosing a user's personal information to a government entity. (Fiscal)

Status: Passed Senate, in Assembly pending assignment to committee.

Amended: 5/9/11

Open Space

AB 781 (Perez J.) relating to Preservation of Open-Space: State Subventions.

Existing law authorizes cities and counties to enter into contracts with landowners, pursuant to the Williamson Act, whereby the landowner agrees to restrict the use of the land under contract in exchange for a reduced property tax amount, and provides those local governments with replacement revenues. Authorizes a city or county to accept contributions from public and private entities to offset a reduction in state subvention payment. (Non fiscal)

Status: Passed the Assembly, in Senate Rules for assignment to committee. **Amended:** 3/23/11

AB 1265 (Nielsen) relating to Local government: Williamson Act.

Amends the Williamson Act to authorize a county, in any fiscal year in which payments authorized for reimbursement to a county for lost revenue for contracts un the act are less than 1/2 of the participating county's actual foregone general fund property tax revenue, to revise the term for newly renewed and new contracts. Requires the assessor to value the property based on the revised term. Provides the landowner may choose to not renew and begin the cancellation process.

(Non fiscal)

Status: Passed Assembly, in Senate Rules for assignment to committee. **Amended:** 4/4/11

SB 668 (Evans) relating to Local government: Williamson Act.

Authorizes a non-profit land-trust organization, a nonprofit entity or a public agency to enter into a contract with a landowner who has also entered into a Williamson Act contract to keep that landowner's land in contract under the Act in exchange for the open-space district's, land-trust organization's or nonprofit entity's payment of the foregone property tax revenue to the county, where the state has failed to reimburse the city or county for property tax revenues not received.

(Non fiscal)

Status: On Senate Floor, Third Reading. **Amended:** 5/10/11

Parks and Recreation

AB 587 (Gordon) relating to Public Works: Volunteers.

Amends existing law governing public works regarding specified work performed by a volunteer, volunteer coordinator or members of the California Conservation Corps or a community conservation corps. Relates to salaries and prevailing wage. Extends the current repeal date for these provisions to January 1, 2017. Also see SB 644 (Hancock) in Assembly Labor and Employment Committee.

(Non Fiscal)

Status: In Senate Labor and Industrial Relations Committee **Amended:** N/A

SB 264 (Correa) relating to Recreational Activities: Skateboard Parks.

Continues indefinitely provision in existing law deeming skateboarding at a public skateboard park a hazardous recreational activity. Requires that copies of the records of claims and lawsuits be filed annually with the Assembly and Senate Judiciary Committees in the Legislature. (Fiscal)

Status: Passed Senate Appropriations Committee, pending on Senate Floor **Amended:** 5/3/11

SB 356 (Blakeslee) relating to State Parks: Local Operating Agreements.

Requires the Department of Parks and Recreation, if it proposes to fully close a unit of the state park system, to enter into negotiations with a county or city that notifies the department of its intention to take over the operations and maintenance of a unit of the state park system to response to the department's notice. Requires an agreement entered into to include certain provisions, including the length of the agreement, with an option to renew upon its conclusion. (Fiscal)

Status: In Senate Appropriations, to Suspense File. **Amended:** 5/2/11

Senior Programs

AB 138 (Beall) relating to the Elder Economic Planning Act of 2011.

Requires the Department of Aging to report data from the Elder Economic Security Standard Index for each service area included in the state plan. Requires that the Area agencies on Aging to use the Elder Index to track state-administered Senior Community Service Employment Program participants' progress toward economic sustainability. (Fiscal)

Status: In Assembly Appropriations Committee, to Suspense File.

Amended: N/A

AB 533 (Yamada) relating to Area Agencies on Aging: Independent Living Funding.

Appropriates from the Federal Trust Fund, to the Department of Aging, the amount for the administration of programs under their jurisdiction and to the Department of Rehabilitation, to pay independent living centers for the administration of programs under their jurisdiction. (Fiscal)

Status: In Assembly Appropriations Committee, to Suspense File.

Amended: N/A

AB 594 (Yamada) relating to Department of Aging and Adult Services.

Enacts the Community Care Modernization Act. Establishes the Department of Adult and Aging Services in the Health and Human Services Agency for the purpose of maintaining individuals in their own homes or the least restrictive home-like environments for as long as possible, by integrating services under a single agency, to establish stronger, more focused leadership for home- and community-based services for all older adults and persons with disabilities. (Fiscal)

Status: In Assembly Human Services Committee.

Amended: 4/4/11

PUBLIC OUTREACH

- ☐ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting.)**
- ☐ **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting.)**
- ☐ **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers.)**

This document will be posted on the City's website for the June 9, 2011, Neighborhood Services and Education Committee, where the Council and the public will have the opportunity to comment.

May 16, 2011

Subject: Report on Key Legislative Items

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EVALUATION AND FOLLOW-UP

The City Council will be informed as to the status of these measures as part of the regular Intergovernmental Relations legislative updates.

COORDINATION

This memo was coordinated with the City Attorney's Office, and the City's Legislative Representative in Sacramento.

POLICY ALIGNMENT

The measures identified in the memorandum are based on the City of San José's 2011 Legislative Guiding Principles, Priorities and Advocacy Issues adopted by the City Council on December 14, 2010.



BETSY SHOTWELL
Director, Intergovernmental Relations
(408) 535-8270



ROXANNE MILLER
Legislative Representative
(916) 443-3946